

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

GARY A. SMITH

Plaintiff,

v.

CIVIL ACTION NO. 2:18-cv-00916

STATE OF WEST VIRGINIA, et al.,

Defendants.

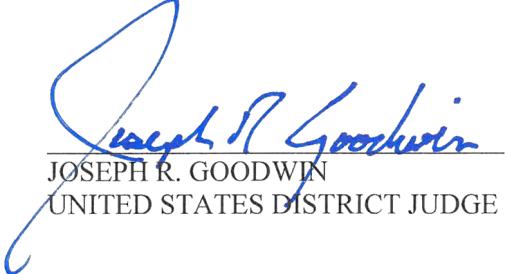
**ORDER**

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On May 20, 2019, Magistrate Judge Tinsley submitted his Proposed Findings and Recommendation [ECF No. 5] (“PF&R”), recommending the court dismiss this civil action pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B) and 1915A and deny the plaintiff’s Application to Proceed without Prepayment of Fees and Costs [ECF No. 1]. The deadline to file objections to the PF&R has passed, and, to date, no objections have been filed.

Accordingly, the court **ADOPTS** and **INCORPORATES** herein the PF&R. For the reasons stated, the court **DISMISSES** this civil action pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B) and 1915A and **DENIES** the plaintiff’s Application to Proceed without Prepayment of Fees and Costs [ECF No. 1].

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record,  
any unrepresented party, and the Magistrate Judge.

ENTER: June 14, 2019

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE